

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 14, 2008

2008 JAN 14 P 12:15

APPLICATION OF

CENTRAL TELEPHONE COMPANY OF VIRGINIA
AND UNITED TELEPHONE-SOUTHEAST, INC.

CASE NO. PUC-2008-00008

For approval of its new plan for
Alternative Regulation

ORDER FOR NOTICE AND COMMENT

On January 8, 2008, Central Telephone Company of Virginia and United Telephone-Southeast, Inc.¹ (collectively, "Embarq" or "Applicant") filed an application with the State Corporation Commission ("Commission") for approval of a newly proposed alternative regulatory plan ("New Plan") pursuant to Virginia Code § 56-235.5 B.

Embarq maintains that the New Plan is necessary to address competition, the decline in access lines, and the growing use of other technologies (wireless, VoIP, and Internet). Embarq represents that its New Plan satisfies all applicable statutory requirements and is in the public interest.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Embarq's application should be docketed; that the Applicant should give notice to the public of its application; that interested persons should have an opportunity to comment and request a hearing on Embarq's application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

¹ United Telephone, Inc., was converted to a limited liability company on November 9, 2007. The Company filed an application for approval of a name change to United Telephone Southeast LLC on December 14, 2007.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUC-2008-00008.
- (2) On or before February 4, 2008, Embarq shall complete publication of the following notice to be published on one (1) occasion as display advertising in newspapers having general circulation throughout its service territories within the Commonwealth:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
CENTRAL TELEPHONE COMPANY OF VIRGINIA AND
UNITED TELEPHONE-SOUTHEAST, INC.
FOR APPROVAL OF A NEWLY PROPOSED
ALTERNATIVE REGULATORY PLAN
CASE NO. PUC-2008-00008

On January 8, 2008, Central Telephone Company of Virginia and United Telephone-Southeast, Inc., (collectively, "Embarq"), filed an application with the State Corporation Commission ("Commission") for approval of a new proposed alternative regulatory plan ("New Plan") pursuant to Virginia Code § 56-235.5 B.

Embarq maintains that the New Plan is necessary to address competition, the decline in access lines, and the growing use of other technologies (wireless, VoIP, and Internet). Embarq represents that its New Plan satisfies all applicable statutory requirements and is in the public interest.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia. Copies may also be downloaded from the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>, or may be ordered from Embarq's counsel, Edward Phillips, Esquire, Embarq, Mailstop NCWKFR0313, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900.

On or before February 29, 2008, any person desiring to comment on Embarq's New Plan may do so by directing such comments in writing to the Clerk of the Commission at the address set forth below. A copy of such written comments shall be simultaneously served upon Embarq's counsel at the address set forth above. Interested persons desiring to submit comments

electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

Any person may request a hearing on Embarq's application by filing an original and fifteen (15) copies of its request for hearing on or before February 29, 2008. Any person desiring to be a party in this proceeding under the terms of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-80, shall file a notice of participation on or before February 29, 2008. Such requests for hearing, notices of participation, or combination of the two shall be filed with the Clerk of the Commission at the address set forth below. Requests for hearing must include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the factual and legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Notices of participation shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; and (iii) a statement of the factual and legal basis for such action. Persons filing a request for hearing, a notice of participation, or a combination of the two shall serve a copy upon Embarq's counsel at the address set forth above.

All written communications to the Commission concerning Embarq's New Plan shall be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUC-2008-00008.

CENTRAL TELEPHONE COMPANY OF VIRGINIA AND
UNITED TELEPHONE-SOUTHEAST, INC.

(3) On or before February 4, 2008, the Applicant shall provide a copy of the notice contained in Ordering Paragraph (2) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(4) On or before February 4, 2008, Embarq shall mail a copy of its application and a copy of this Order by personal delivery or by first-class mail, postage prepaid, to the chairman of the board of supervisors and county attorney of each county and upon the mayor or manager of every city and town (or upon equivalent officials in counties, towns, and cities having alternate forms of government) in which Embarq provides service. Service shall be made by first-class mail to the customary place of business or residence of the person served.

(5) Any person desiring to comment on Embarq's New Plan may do so by directing such comments in writing on or before February 29, 2008, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P. O. Box 2118, Richmond, Virginia 23218, referring to Case No. PUC-2008-00008. A copy of any such written comments shall be simultaneously served upon Embarq's counsel, Edward Phillips, Esquire, Embarq, Mailstop NCWKFR0313, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

(6) On or before February 29, 2008, any person wishing to request a hearing on Embarq's New Plan, to be a party in this proceeding, or to do both shall file an original and fifteen (15) copies of its request for hearing, notice of participation, or combination of the two in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2008-00008 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the factual and legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Notices of participation shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the

extent then known; and (iii) a statement of the factual and legal basis for such action. A copy shall also simultaneously be served on Embarq's counsel at the address set forth above.

(7) On or before February 18, 2008, the Applicant shall file with the Commission proof of notice and proof of service as ordered above.

(8) The Commission Staff shall analyze Embarq's New Plan, together with the comments received, and present its findings in a Staff Report to be filed on or before March 28, 2008.

(9) On or before April 11, 2008, Embarq may file with the Clerk of the Commission an original and fifteen (15) copies of any response to the Staff Report or to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered by overnight delivery to the Staff and any other persons who filed comments or requests for hearing.

(10) Embarq shall respond to written interrogatories or data requests within seven (7) business days after the receipt of the same. Persons who file requests for hearing shall provide to Embarq, the Commission Staff, and any other persons who file requests for hearing any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(11) Embarq shall respond promptly to requests from interested persons for copies of the New Plan and shall provide one copy free of charge. Copies are also available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or may be downloaded from the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>

(11) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Edward Phillips, Esquire, Embarq, Mailstop NCWKFR0313, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.